

REMARKS

The Office Action mailed April 29, 2005 has been reviewed and carefully considered. Claims 19-22 are added. The Examiner's indication of allowable subject matter for claims 2 and 3 is appreciated. Claims 1-22 are pending, the independent claims remaining 1, 10, 11 and 18. Claims 1, 4-6 and 9-18 are amended. No new matter is added. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1 and 4-18 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite.

The present Office Action cites to MPEP §2172.01, but does not specify what it deems to be the "missing" "essential structural cooperative relationship(s)."

This passage in the MPEP states:

A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). See also MPEP § 2164.08(c). Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention. MPEP 2172.01.

Based on a reading of the cited passage, the question arises as to what "missing" "relationships" are "described by the applicant(s) as necessary to practice the invention." The purportedly omitted matter must be disclosed to be "essential . . . as described in the specification."

The Office Action does not provide sufficient guidance as to what the final Office Action regards to be “missing” in the context of the above question.

Notably, the above-quoted passage from the MPEP cites, in turn, to §2164.08(c).

A feature which is taught as critical in a specification and is not recited in the claims should result in a rejection of such claim under the enablement provision section of 35 U.S.C. 112. See *In re Mayhew*, 527 F.2d 1229, 1233, 188 USPQ 356, 358 (CCPA 1976). Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality. *Laros Co.*, 209 F. Supp. 639, 135 USPQ 11 (E.D. Pa. 1962). MPEP 2164.08(c).

Referring to claim 1, it appears that whatever “relationships” the final Office Action deems to be “missing” in the above-described context are referred to somewhere in the specification in broad terms that contradicts the proposition that the relationship is critical or essential to the present invention.

The present applicants are unable to find proper basis for sustaining the suggestion that critical relationships are omitted from claim 1.

For claims 10, 11 and 18, the Office Action seemingly likewise fails to provide guidance as to what the Office Action deems to be missing.

Continuing from the above-cited portion of MPEP 2172.01, the MPEP reads as follows:

In addition, a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See *In re Venezia*,

530 F.2d 956, 189 USPQ 149 (CCPA 1976); *In re Collier*, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968) MPEP 2172.01.

As in the preceding MPEP passage under §2172.01, the term “essential” cannot be ignored in interpreting the meaning of the passages. The latter passage refers to “essential . . . as defined by applicant(s) in the specification.”

To make a *prima facie* case, the Office Action would have to cite accordingly, and with particularity, to the applicants' specification.

For at least all of the above reasons, the present applicants fail to understand what basis could exist for the indefiniteness rejection of claims 1-11.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1 and 4-11 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,452,935 to Gibbs.

Claim 1, as amended, recites, “a status channel for transmission access to the bus during an isochronous-channel sub-cycle, of an isochronous cycle, that precedes an asynchronous-channel sub-cycle of said isochronous cycle.” The Gibbs reference does not disclose or suggest this feature of claim 1 of the present invention.

Support for the amendment of claim 1 is found at least in [0048]-[0054].

The Gibbs reference merely mentions that IEEE 1394 provides for a bus that supports both asynchronous and isochronous communication (col. 1, lines 59-64), and that the bus carries both commands and status information (col. 6, lines 47-50).

For at least this reason, Gibbs fails to disclose or suggest the status manager of claim 1.

Since both claims 10, 11 and 18 recite the above-quoted feature of claim 1, they too are deemed to be patentable over the cited reference.

Moreover, it would not have been obvious to modify the Gibbs reference to create an embodiment that resembles any claim of the present invention.

As to the other rejected claims, each depends from a respective base claim, and is deemed to be patentable over the cited reference for at least the same reasons set forth above with regard to the base claim.

The amendment of claim 9 finds support at least in [0069].

The amendment of claims 12-17 finds support at least in [0048]-[0054].

New claim 19, and the amendment of claim 5, find support at least in [0015].

New claim 20 finds support in the specification (e.g., [0012]: "from a source which the status manager can access itself", [0073]).

New claim 21 finds support at least in [0037].

New claim 22 finds support at least in [0012].

The Office Action deems claim 18 allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

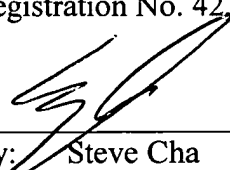
Claim 18 is amended for clarity, and is believed to distinguish patentably over the prior art of record.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

A check for \$100 is enclosed in payment of the fee for adding two, additional claims in excess of 20 total.

Respectfully submitted,

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Date: February 21, 2006

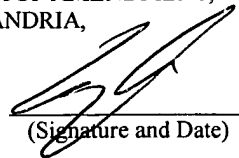
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